

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**CINCINNATI INSURANCE
COMPANY**

Plaintiff,

V.

**JOSEPH DONALD PRATHER and
LINDA PRATHER
Defendants.**

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CV-3:06-CV-733-MHT

REPORT OF PARTIES' PLANNING MEETING

COMES NOW, both Plaintiff and Defendants in the referenced matter and pursuant to this Honorable Courts Rule 26(f) Federal Rules of Civil Procedure, Order dated September 27, 2006 and submits this their Report of the Parties Planning Meeting:

1. Pursuant to FED. R. CIV. P. 26(f), a meeting was held by first a set of correspondence between counsel for the Plaintiff and one of the attorney's for Defendants, Stephen D. Heninger during the week of October 9, 2006 and by a conference call held on October 16, 2006 with one of Defendants' attorneys, Stephen D. Heninger, to finalize the details of the draft of the Report of the Parties' Planning Meeting.
2. Pre-discovery disclosures. Parties will exchange on November 17, 2006 the information required by FED. R. CIV. P. 26(a)(1).
3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:
 - a. **PLAINTIFFS:**

Plaintiff will need discovery into the specific details of the car involved in the subject incident; the driver of the vehicle involved in the subject single car collision; the identities of all passengers; and how the incident specifically occurred, including events leading up to and subsequent to the incident.

Plaintiffs will also need specific information about the Swaders' relationship with the Prathers. The Plaintiff will need specific information from the Prathers regarding the policy of insurance on which the Swaders are making a claim including any and all residential, motor vehicle and other information that may be necessary as discovery progresses.

Plaintiffs will need copies of the insurance application from the Prathers, copies of any and all checks, receipts and/or otherwise which evince payments to any entity for the procurement of the insurance policy on which the Swaders are making a purported claim.

The Plaintiffs will therefore need access to the Prathers' bank account records and any other type of financial institution records which would evince payment for the policy of insurance on which the Swaders are making a purported claim.

Plaintiffs need any and all information which the Defendants have to support their affirmative defenses.

DEFENDANTS:

Defendant's will need specific information regarding the policy made the basis of this suit; how it was sold and represented regarding coverage and insured; the facts surrounding the denial of the coverage made the basis of this suit and all information listed above in the Plaintiff's section regarding the underlying incident and claim.

- b. All discovery commenced in time to be completed by August 31, 2007.
 - c. Maximum of 100 Interrogatories by each party to any other party. Responses are due 30 days after service.
 - d. Maximum of 50 Request for Admission by each party to any other party. Responses due 30 days after service.
 - e. Maximum of 8 depositions by Plaintiff and 8 depositions by Defendants. Each deposition including those of the retained expert witnesses is limited to a maximum of 4 hours unless extended by agreement of the parties.
 - f. Reports from retained experts under Rule 26(a)(2) due: from Plaintiff by September 28, 2007; from Defendants by October 26, 2007.
 - g. Supplementations under Rule 26(e) due no later than December 15, 2006.
4. Other items:
- a. The parties do not request a conference with the court before entry of the Scheduling Order.
 - b. The parties request a Pre-Trial Conference in May of 2008.
 - c. The Plaintiff should be allowed until September of 2007 to join additional parties and until September 2007 to amend the pleadings
 - d. Defendants should be allowed until August 2007 to join additional parties and until August 2007 to amend the pleadings.
 - e. All potentially dispositive motions shall be filed no later than February 11, 2007.
 - f. Settlement cannot be evaluated prior to the end of discovery.

g. Final list of witness and exhibits under Rule 26(a)(3) should be due from Plaintiff by: May 12, 2008; from Defendants by May 26, 2008. Parties should have 14 days after service of final list of witness and exhibits to list objections under Rule 26(a)(3).

5. This case should be ready for trial by June 23, 2008 and is expected to take approximately 3 days. Date: October 18, 2006

RESPECTFULLY SUBMITTED,

/s/ Stephen D. Heninger
Stephen D. Heninger
**Attorney for Defendants, Joseph
D. Prather and Linda Prather**
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/s/ Jennifer T. Dewees
Jennifer T. Dewees (ASB1265S35J)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following on this the 18th day of October, 2006:

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Respectfully Submitted,

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